

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 664 of 1998

WITH

CRIMINAL MISC. APPLICATION No 665 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
2 to 5 No

Parties in Cri.Misc. Appln. No. 664/98

RAKESH NIKARAM GOYEL

Versus

STATE OF GUJARAT

Parties in Cri.Misc. Appln.NO.665/98

KAMAL GORDHANDAS BAMBANI

Versus

State of Gujarat

Appearance:

MR H.M. PARIKH & MR. ZA SHAIKH for Petitioners
Mr.L.R. Pujari, APP for respondent

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 06/03/98

ORAL COMMON JUDGEMENT

1. Heard Mr. H.M. Parik and Mr.Z.A. Shaik, learned advocates for the petitioners. Rule. Learned A.P.P. Mr. L.R. Pujari waives service of rule. The petitioners of the above referred to both the petitions have claimed bail arising from a common incident and common FIR registered vide No. I 48 of 1998 at Randher Police Station, Surat city. Hence, both the petitions are heard together.

2. The parties do not press for reasoned order.

3. Having regard to the facts and circumstances apparent from the material produced on record and from the submissions made by learned advocates, it is ordered that in the event of arrest of the petitioners in connection with CR No. I 48 of 1998 of Randher Police Station, Surat City, the petitioners be released on bail on execution of a bond of Rs.10,000/- each (Rupees ten thousand only) and furnishing one surety each for like amount and on condition that petitioners shall appear before the Investigation Officer on 11th March, 1998 at Randher Police Station, between 9.00 a.m. and 1.00 p.m. and thereafter as and when directed.

(i) make himself available for interrogation by a Police Officer, whenever and wherever required.

(iii) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

(iv) at the time of execution of bond, furnish his address/s to the Investigating Officer and the courts and if there is any change, the same shall be intimated to the concerned Police Station and the Courts.

(v) not leave India without the permission of the Court. If the Investigating Officer directs to deposit the passport, the said direction shall be complied with unless the competent court directs otherwise.

5. This order will hold good if the petitioner is arrested at any time within 90 days from today. The order for release on bail will remain operative only for

a period of Ten days from the date of his arrest. Thereafter, it will be open to the petitioner to make a fresh application for being enlarged on bail in usual course which when it comes before the competent court, will be disposed of in accordance with law, having regard to all the attending circumstances and the materials available at the relevant time uninfluenced by the fact that ANTICIPATORY BAIL was granted.

6. Rule is made absolute. Direct service is permitted.

p.n.nair